

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

NATALIA CHAROFF

Plaintiff

v.

CIVIL ACTION NO.

MARMAXX OPERATING CORP., d/b/a TJ
MAXX;
TJX COMPANIES, INC., d/b/a TJ MAXX and
TJ MAXX DEPARTMENT STORE

Defendants

**NOTICE OF REMOVAL OF DEFENDANTS, MARMAXX OPERATING CORP., d/b/a
TJ MAXX, TJX COMPANIES, INC., d/b/a TJ MAXX and TJ MAXX DEPARTMENT
STORE**

Defendants, Marmaxx Operating Corp., d/b/a TJ Maxx; TJX Companies, Inc., d/b/a TJ Maxx and TJ Maxx Department Store, by and through its undersigned counsel, BONNER KIERNAN TREBACH & CROCIATA, LLP, and pursuant to 28 U.S.C. §§1441 and 1332, hereby remove to this Court an action pending in the Court of Common Pleas of Philadelphia County, Pennsylvania. The grounds for this Removal are set forth below:

1. On or about August 20, 2018, Plaintiff, Natalia Charoff, commenced this civil action by the filing of a Writ of Summons in the Court of Common Pleas of Philadelphia County captioned "*Natalia Charoff vs. Marmaxx Operating Corp., d/b/a TJ Maxx; TJX Companies, Inc., d/b/a TJ Maxx and TJ Maxx Department Store at August Term, 2018, No. 1691.*" In accordance with 28 U.S.C. § 1446(a), a true and correct copy of the Writ is attached hereto and incorporated herein as Exhibit "A."

2. On October 24, 2018, Plaintiff filed her civil action Complaint setting forth her claims against the Defendants. A true copy of Plaintiff's Complaint is attached hereto as Exhibit "A."

3. Plaintiff, Natalia Charoff, avers in the Complaint that she is a resident of the Commonwealth of Pennsylvania with a principal residence located at 378 Hunters Wood Drive, Wrightstown, Bucks County, PA 18940. *See* Exhibit “A” at ¶ 1.

4. In her Complaint, Plaintiff named Marmaxx Operating Corp., d/b/a TJ Maxx; TJX Companies, Inc., d/b/a TJ Maxx and TJ Maxx Department Store as Defendants.

5. Marmaxx Operating Corp. (“Marmaxx”) is a Virginia Corporation with a principal place of business at 770 Cochituate Road in Framingham, Massachusetts.

6. TJX Companies, Inc. is a Delaware Corporation with a principal place of business at 770 Cochituate Road in Framingham, Massachusetts.

7. There is no legal entity identified as “TJ Maxx Department Store.” TJ Maxx is a duly registered fictitious name.

8. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and which may be removed on the petition of the Defendants to this District Court pursuant to 28 U.S.C. §§ 1441 and 1446.

9. Upon information and belief, the amount in controversy in this action, which includes the costs of indemnity for any adverse judgment against Defendants, exceeds \$75,000, exclusive of interests and costs.

10. Plaintiff alleges that she “sustained severe and permanent internal and external injuries” to various parts of her body including, but not limited to, a tear of the medial meniscus of the right knee, requiring arthroscopy and partial meniscectomy. *See* Exhibit “B” at ¶ 15.

11. Plaintiff further alleges that she “was forced to obtain medical treatment and incur various medical expenses which are ongoing and continuing.” *See* Exhibit “B” at ¶16.

12. Pursuant to 28 U.S.C. §§ 1332(a), and 1441(a), this Court possesses original jurisdiction of this action because the amount in controversy exceeds \$75,000 and because this action is between citizens of different states. That is, Plaintiff is diverse from each of the Defendants. Moreover, none of the Defendants is a citizen of the Commonwealth of Pennsylvania, where the original action was filed. Further, the Eastern District of Pennsylvania embraces Philadelphia County, where the current action is pending in the Court of Common Pleas of Philadelphia County in the Commonwealth of Pennsylvania.

13. Pursuant to the United States Supreme Court's holding in *Chicago, R. I. & P. Ry. Co. v. Martin*, 178 U.S. 245 (1900), this Notice of Removal is properly filed because all Defendants served in the state court action have consented to removal.

14. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it was filed less than thirty days from the service of the Complaint, the date upon which it first was ascertainable that the case is one which is removable because the Complaint is the first statement describing Plaintiff's alleged injuries and damages. No previous Notice of Removal has been filed or made to this Court for the relief sought herein.

15. Accordingly, this lawsuit is properly removable from Pennsylvania State Court to the United States District Court, Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1332(a)(1), 1441(a) and 1446(b).

16. Defendants expressly reserve the right to raise all defenses and objections in this action after it is removed to this Honorable Court.

17. A true and correct copy of this Notice of Removal is being filed with the Prothonotary of Philadelphia County Court of Common Pleas, as provided by 28 U.S.C. § 1446(d).

18. Written Notice of the filing of this Notice of Removal will be given to all served parties as required by 28 U.S.C. § 1446(d).

19. No admission of fact, law or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved to the Defendants.

WHEREFORE, Defendants, Marmaxx Operating Corp., d/b/a TJ Maxx; TJX Companies, Inc., d/b/a TJ Maxx and TJ Maxx Department Store, hereby remove the above-captioned action, which is now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

BONNER KIERNAN TREBACH & CROCIATA, LLP

BY: 

MARK A. LOCKETT, ESQUIRE

Attorney ID No. 50023

Ten Penn Center Plaza, Suite 770

1801 Market Street

Philadelphia, PA 19103

Tel.: (215)569-4433

Fax: (215)569-4434

Attorney for Defendants,

Marmaxx Operating Corp., d/b/a TJ Maxx;

TJX Companies, Inc., d/b/a TJ Maxx and

TJ Maxx Department Store

CERTIFICATE OF SERVICE

I, Mark A. Lockett, Esquire, hereby certify that a copy of Defendant's Notice of Removal was served via U.S. First Class Mail, postage prepaid, this 31st day of October, 2018 upon the following:

Neil Hoffman, Esquire
Amy Sokolson, Esquire
HOFFMAN, STERNBERG & KARPf, LLC
737 Second Street Pike
Southampton, PA 18966

BONNER KIERNAN TREBACH & CROCIATA, LLP

BY: _____


MARK A. LOCKETT, ESQUIRE

Attorney ID No. 50023

Ten Penn Center Plaza, Suite 770

1801 Market Street

Philadelphia, PA 19103

Tel.: (215)569-4433

Fax: (215)569-4434

Attorney for Defendant,

Marmaxx Operating Corp., d/b/a TJ Maxx;

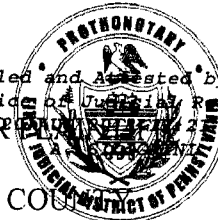
TJX Companies, Inc., d/b/a TJ Maxx and

TJ Maxx Department Store

Exhibit "A"

NEIL HOFFMAN, ESQUIRE
AMY SOKOLSON, ESQUIRE
HOFFMAN, STERNBERG & KARP, LLC
737 SECOND STREET PIKE
SOUTHAMPTON, PA 18966
(215) 953-8955
IDENTIFICATION NO. 35592, 86511

MAJOR CASE
JURY TRIAL DEMANDED



ATTORNEY FOR

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
TRIAL DIVISION

NATALIA CHAROFF
378 Hunters Wood Drive
Wrightstown, PA 18940

vs.

MARMAXX OPERATING CORP.
d/b/a TJ MAXX
c/o CT Corporation System
600 North 2nd Street, Suite 401
Harrisburg, PA 17101

and

TJX COMPANIES, INC.
d/b/a TJ MAXX
c/o CT Corporation System
600 North 2nd Street, Suite 401
Harrisburg, PA 17101

and

TJ MAXX DEPARTMENT STORE
2424 East Lincoln Highway
Langhorne, PA 19047

AUGUST TERM, 2018


NO.

PRAECIPE FOR SUMMONS

TO THE PROTHONOTARY:

Kindly enter my appearance for the Plaintiff in the above-captioned matter and issue a
Summons in Civil Action.

HOFFMAN, STERNBERG & KARP, LLC

By: 
AMY SOKOLSON, ESQUIRE
Attorney for Plaintiff

DATE: 8/20/18

Case ID: 180801691

C.P.97

Commonwealth of Pennsylvania
CITY AND COUNTY OF PHILADELPHIA

SUMMONS
CITACION

Natalie Charoff
378 Hunters Wood Drive
Wrightstown, PA 18940

COURT OF COMMON PLEAS

August Term, 2018

No. _____

vs.

Marmaxx Operating Corp. d/b/a TJ Maxx

SEE COMPLETE LIST OF ALL PARTIES

To⁽¹⁾

Marmaxx Operating Corp. d/b/a TJ
Maxx

TJX Companies, Inc. d/b/a TJ Maxx

and

and

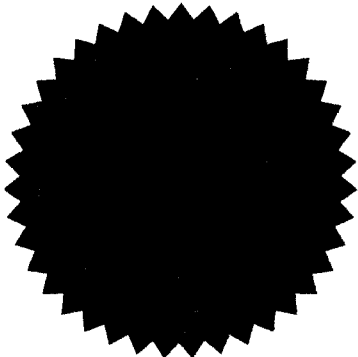
TJ Maxx Department Store

You are notified that the Plaintiff⁽²⁾

Usted esta avisado que el demandante⁽²⁾

Natalia Charoff

Has (have) commenced an action against you.
Ha (han) iniciado una accion en contra suya.



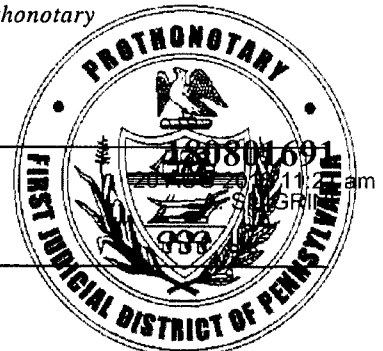
⁽¹⁾ Name(s) of Defendant(s)

⁽²⁾ Name(s) of Plaintiff(s)

JOSEPH H. EVERS
Prothonotary

By _____

Date August 20, 2018



Case ID: 180801691

COURT OF COMMON PLEAS

August Term, 20 18 No.

Natalie Charoff
378 Hunters Wood Drive
Wrightstown, PA 18940

vs.

Marmaxx Operating Corp. d/b/a TJ Maxx

SEE COMPLETED LIST OF ALL PARTIES

SUMMONS

COMPLETE LIST OF ALL PARTIES

NATALIA CHAROFF :
378 Hunters Wood Drive :
Wrightstown, PA 18940 :

vs. :

MARMAXX OPERATING CORP. :
d/b/a TJ MAXX :
c/o CT Corporation System :
600 North 2nd Street, Suite 401 :
Harrisburg, PA 17101 :

and :

TJX COMPANIES, INC. :
d/b/a TJ MAXX :
c/o CT Corporation System :
600 North 2nd Street, Suite 401 :
Harrisburg, PA 17101 :

and :

TJ MAXX DEPARTMENT STORE :
2424 East Lincoln Highway :
Langhorne, PA 19047 :

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
TRIAL DIVISION

1960.0046

AMY SOKOLSON, ESQUIRE
 HOFFMAN, STERNBERG & KARP, LLC
 737 SECOND STREET PIKE
 SOUTHAMPTON, PA 18966
 (215) 953-8955
 ATTORNEY I.D. NO. 86511

NATALIA CHAROFF :
 378 Hunters Wood Drive :
 Wrightstown, PA 18940 :
 vs. :
 MARMAXX OPERATING CORP. :
 d/b/a TJ MAXX :
 c/o CT Corporation System :
 600 North 2nd Street, Suite 401 :
 Harrisburg, PA 17101 :
 and :
 TJX COMPANIES, INC. :
 d/b/a TJ MAXX :
 c/o CT Corporation System :
 600 North 2nd Street, Suite 401 :
 Harrisburg, PA 17101 :
 and :
 TJ MAXX DEPARTMENT STORE :
 2424 East Lincoln Highway :
 Langhorne, PA 19047 :

MAJOR CASE
 JURY TRIAL DEMANDED

Filed and Attested by the
 Office of Judicial Records
 24 OCT 2018 02:15 pm
 M. RUSSO

ATTORNEY FOR PLAINTIFFS
 PHILADELPHIA COUNTY
 COURT OF COMMON PLEAS
 TRIAL DIVISION

AUGUST TERM, 2018

NO. 01691

CIVIL ACTION

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
 Lawyer Referral
 and Information Service
 One Reading Center
 Philadelphia, Pennsylvania 19107
 (215) 238-6333
 TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleva esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion de Licenciados
 de Filadelfia
 Servicio de Referencia e
 Informacion Lega
 One Reading Center
 Filadelfia, Pennsylvania 19107
 (215) 238-6333
 TTY (215) 451-6197

AMY SOKOLSON, ESQUIRE
HOFFMAN, STERNBERG & KARP, LLC
737 SECOND STREET PIKE
SOUTHAMPTON, PA 18966
(215) 953-8955
ATTORNEY I.D. NO. 86511

MAJOR CASE
JURY TRIAL DEMANDED

ATTORNEY FOR PLAINTIFF

NATALIA CHAROFF
378 Hunters Wood Drive
Wrightstown, PA 18940

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
TRIAL DIVISION

vs.

MARMAXX OPERATING CORP.
d/b/a TJ MAXX
c/o CT Corporation System
600 North 2nd Street, Suite 401
Harrisburg, PA 17101

AUGUST TERM, 2018

NO. 01691

and

TJX COMPANIES, INC.
d/b/a TJ MAXX
c/o CT Corporation System
600 North 2nd Street, Suite 401
Harrisburg, PA 17101

and

TJ MAXX DEPARTMENT STORE
2424 East Lincoln Highway
Langhorne, PA 19047

CIVIL ACTION

1. Plaintiff, NATALIA CHAROFF, is an adult individual who currently resides at 378 Hunters Wood Drive, Wrightstown, Pennsylvania 18940.

2. Defendant, MARMAXX OPERATING CORP. d/b/a TJ MAXX (hereinafter, "MARMAXX"), is a corporation authorized to conduct business within the Commonwealth of Pennsylvania, which regularly conducts business within the City and County of Philadelphia and maintains an address for service of process at c/o CT Corporation System, 600 North 2nd Street, Harrisburg, Pennsylvania 17101.

3. At all times material to this Civil Action, Defendant, MARMAXX, acted or failed to act as an agent, servant, workman and/or employee of Defendants, TJX COMPANIES, INC. d/b/a TJ MAXX (hereinafter, "TJX") and TJ MAXX DEPARTMENT STORE (hereinafter, "TJ MAXX"), which was then and there acting within the course and scope of its employment with said Defendants and in furtherance of the business of said Defendants.

4. In the alternative, at all times material to this Civil Action, Defendant, MARMAXX, acted or failed to act individually and/or through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment with said Defendant and in furtherance of the business of said Defendant.

5. Defendant, TJX, is a corporation authorized to conduct business within the Commonwealth of Pennsylvania, which regularly conducts business within the City and County of Philadelphia and maintains an address for service of process at c/o CT Corporation System, 600 North 2nd Street, Harrisburg, Pennsylvania 17101.

6. At all times material to this Civil Action, Defendant, TJX, acted or failed to act as an agent, servant, workman and/or employee of Defendants, MARMAXX and TJ MAXX, which was then and there acting within the course and scope of its employment with said Defendants and in furtherance of the business of said Defendants.

7. In the alternative, at all times material to this Civil Action, Defendant, TJX, acted or failed to act individually or through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment with said Defendant and in furtherance of the business of said Defendant.

8. Defendant, TJ MAXX, is a company authorized to conduct business within the Commonwealth of Pennsylvania, which regularly conducts business within the City and County of Philadelphia and maintains an address for service of process at 2424 East Lincoln Highway, Langhorne, Pennsylvania 19047.

9. At all times material to this Civil Action, Defendant, TJ MAXX, acted or failed to act as an agent, servant, workman and/or employee of Defendants, MARMAXX and TJX, which was then and there acting within the course and scope of its employment with said Defendants and in furtherance of the business of said Defendants.

10. In the alternative, at all times material to this Civil Action, Defendant, TJ MAXX, acted or failed to act individually or through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment with said Defendant and in furtherance of the business of said Defendant.

11. Defendants, MARMAXX, TJX and TJ MAXX shall be collectively referred to, hereinafter, as the "DEFENDANTS".

12. On or about September 9, 2016, the DEFENDANTS individually and/or collectively owned, operated, managed, maintained, possessed and/or controlled the property located at 2424 East Lincoln Highway, Langhorne, Pennsylvania 19047 (hereinafter, the "PROPERTY"), upon which the DEFENDANTS operated a store (hereinafter, the "STORE"), more commonly known as "TJ MAXX", which PROPERTY and STORE were open to the

general public, guests and/or business invitees such as Plaintiff, NATALIA CHAROFF.

13. On or about September 9, 2016, at approximately 5:45 p.m., Plaintiff, NATALIA CHAROFF, was a guest upon the PROPERTY when she was caused to sustain various injuries as a result of falling due to the dangerous and defective condition that existed inside of the STORE, more specifically a wet and/or liquid substance that had spilled onto the floor.

14. At all times relevant and material hereto, the DEFENDANTS were obligated to supervise, inspect, repair and/or maintain the PROPERTY, including the interior of the STORE, and to otherwise be responsible to keep the PROPERTY and the STORE in a condition that was safe for the general public, guests and/or business invitees such as Plaintiff, NATALIA CHAROFF.

15. As a direct result of the Plaintiff's aforesaid fall, Plaintiff, NATALIA CHAROFF, sustained severe and permanent internal and external injuries in and about her body and limbs, including but not limited to: tear in the medial meniscus of the right knee, which required arthroscopy and partial medial meniscectomy; prominent intrameniscal grade 2 changes in the posterior horn of the medial meniscus of the right knee confirmed by MRI; effusion and proximal sprain of the MCL of the right knee confirmed by MRI; right knee effusion; sprain of right knee; peroneal neuropathy at the fibular head on the right side; bilateral median nerve dysfunction/carpal tunnel syndrome, worse on the left, confirmed by EMG, which required left sided median nerve decompression; left volar ganglion cyst, which required flexor tenosynovectomy and excision of the cyst; cervical radiculopathy at the C6-C7 root level on the right confirmed by EMG; left wrist/hand pain; right foot sprain; contusion of right hip; cervicalgia; head, neck and spine trauma with cranial and cervical sprain and strain; cervicogenic headaches with traumatic occipital neuralgia; lumbosacral sprain and strain with SI joint dysfunction on the right side; and a severe

and permanent shock to her nervous system, all of which have caused her and will continue to cause her great pain and agony, and will continue to prevent her in the future from attending to her daily duties and occupations, all to her great financial damage and loss.

16. As a direct result of the injuries sustained, Plaintiff, NATALIA CHAROFF, was forced to obtain medical treatment and incur various medical expenses which are ongoing and continuing.

17. As a direct result of the accident and the injuries sustained therein, Plaintiff, NATALIA CHAROFF, has and may suffer an impairment of her earning capacity and power.

COUNT I
NATALIA CHAROFF v. DEFENDANTS
(Negligence)

18. Plaintiff, NATALIA CHAROFF, incorporates herein by reference the averments contained in paragraphs 1 through 17 inclusive, as fully as though the same were herein set forth at length.

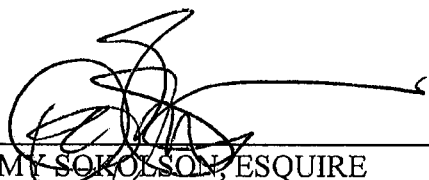
19. At the time of the aforesaid incident, the DEFENDANTS, acting as aforesaid, had negligently and carelessly allowed the PROPERTY and the STORE to deteriorate so, that they were in an unsafe condition and imposed a danger to general public, guests and/or business invitees such as the Plaintiff, NATALIA CHAROFF. More specifically, said DEFENDANTS:

- a) Created a dangerous and defective condition which they knew or should have known about;
- b) Allowed the dangerous and defective condition to exist which they knew or should have known about;
- c) Failed to inspect and detect the dangerous and defective condition which they knew or should have known about;

- d) Failed to correct the dangerous and defective condition which they knew or should have known about;
- e) Failed to warn the Plaintiff of the dangerous and defective condition which they knew or should have known about;
- f) Failed to maintain a sufficient number of employees at the PROPERTY and STORE to keep it in a safe condition for business invitees such as the Plaintiff;
- g) Failed to train its employees to keep the PROPERTY and the STORE in a condition safe from dangerous and defective conditions for business invitees such as the Plaintiff; and
- h) Violated the pertinent provisions of the Statutes of the Commonwealth.

20. The aforementioned unsafe condition of the PROPERTY was the proximate cause of the injuries which Plaintiff, NATALIA CHAROFF, suffered on September 9, 2016.

WHEREFORE, Plaintiff, NATALIA CHAROFF, demands judgment against Defendants, MARMAXX OPERATING CORP. d/b/a TJ MAXX, TJX COMPANIES, INC. d/b/a TJ MAXX and TJ MAXX DEPARTMENT STORE, jointly and/or severally, in an amount in excess of Fifty Thousand Dollars, (\$50,000.00) plus interest and costs.

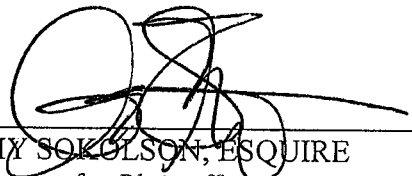


AMY SOKOLSON, ESQUIRE
Attorney for Plaintiff

Dated: 10/23/18

VERIFICATION

I, AMY SOKOLSON, as attorney for Plaintiff, NATALIA CHAROFF, verify that the statements made in this Pleading are true and correct to the best of my knowledge, information and belief. I further understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.



AMY SOKOLSON, ESQUIRE
Attorney for Plaintiff

Dated: 10/22/18

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Natalia Charoff

(b) County of Residence of First Listed Plaintiff Bucks County, PA

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) 215-953-8955

Amy Sokolson, Esquire

HOFFMAN, STERNBERG & KARPF, LLC

737 Second Street Pike, Southampton, PA 18966

DEFENDANTS

Marmaxx Operating Corp., d/b/a TJ Maxx

TJX Companies, Inc., d/b/a TJ Maxx

TJ Maxx Department Store

County of Residence of First Listed Defendant Middlesex County, MA

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) 215-569-4433

Mark A. Lockett, Esquire

Bonner Kiernan Trebach & Crociata LLP

1801 Market Street, Suite 770, Philadelphia, PA 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|-----|-----|---|-----|------|
| Citizen of This State | XX | 1 | Incorporated or Principal Place of Business In This State | 4 | 4 |
| Citizen of Another State | 2 | 2 | Incorporated and Principal Place of Business In Another State | 5 | XX 5 |
| Citizen or Subject of a Foreign Country | 3 | 3 | Foreign Nation | 6 | 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: XX' Yes 'No**VIII. RELATED CASE(S)**

IF ANY None

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 378 Hunters Wood Drive, Wrightstown, PA 18940

Address of Defendant: 770 Cochituate Road, Framingham, MA

Place of Accident, Incident or Transaction: 2424 East Lincoln Highway, Langhorne, PA 19047
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10-31-18

Attorney-at-Law

50023

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

NATALIA CHAROFF

Plaintiff

v.

CIVIL ACTION NO.

MARMAXX OPERATING CORP., d/b/a TJ MAXX
TJX COMPANIES, INC., d/b/a TJ MAXX
TJ MAXX DEPARTMENT STORE

Defendants

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

10-31-18

Date

215-569-4433

Telephone

Mark A. Lockett, Esq.

Attorney at Law

215-569-4434

Fax Number

Defendants

Attorney for:

mlockett@bonnerkiernan.com

E-Mail Address

APPENDIX G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

NATALIA CHAROFF

Plaintiff

CIVIL ACTION

v.

MARMAXX OPERATING CORP., d/b/a TJ
MAXX;
TJX COMPANIES, INC., d/b/a TJ MAXX and
TJ MAXX DEPARTMENT STORE

Defendant

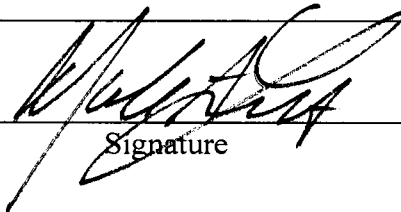
NO.:

DISCLOSURE STATEMENT FORM

Please check one box:

The nongovernmental corporate party, _____, in the
above listed civil action does not have any parent corporation and publicly held
corporation that owns 10% or more of its stock.The nongovernmental corporate party, Marmaxx Operating Corp., the
above listed civil action has the following parent corporation(s) and publicly held
corporation(s) that owns 10% or more of its stock.The TJX Companies, Inc.10-31-18

Date



Signature

Counsel for : Defendants**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

(a) WHO MUST FILE: NONGOVERNMENTAL CORPORATE PARTY. A nongovernmental corporate party to an action or proceeding in a district court must file two copies of a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation.

(b) TIME FOR FILING; SUPPLEMENTAL FILING. A party must:

- (1) file the Rule 7.1(a) statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court, and
- (2) promptly file a supplemental statement upon any change in the information that the statement requires.